

1 THE HONORABLE RICHARD A JONES
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 **IN RE CONSOLIDATED LITIGATION
OVER FIRE ABOARD THE APL PERU**

11 DAVID PEYSER SPORTSWEAR, INC., et
al.,

13 Plaintiffs,

14 v.

15 SPECTRUM BRANDS, INC., et al.,

16 Defendants.

Case No.: 09-cv-00169-RAJ

17 DECLARATION OF RODNEY Q.
FONDA IN SUPPORT OF MOTION TO
COMPEL DEFENDANT SPECTRUM
BRANDS, INC.'S INITIAL
DISCLOSURES

18 Rodney Q. Fonda deposes and states:

19 1. I am the principal attorney for plaintiffs David Peyser Sportswear, et al, in this
20 action and make this declaration aware of my duties as an officer of the court.

21 2. This action was filed in February, 2009. At that time, although I was unaware
22 of the fact when I signed the complaint, defendant Spectrum Brands, Inc. had already filed for
23 bankruptcy protection under Chapter 11. Accordingly, the action was stayed. December 16,
24 2009, Spectrum counsel filed notice with the court that the bankruptcy action had been
25 dismissed; accordingly the stay was lifted.

DECLARATION OF RODNEY Q. FONDA IN SUPPORT OF
MOTION TO COMPEL DEFENDANT SPECTRUM BRANDS,
INC.'S INITIAL DISCLOSURES - 1

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3. Thereafter, I have had several discussions and exchanges with counsel for Spectrum about Initial Disclosures, without any results. By e-mail on January 13, 2010, I proposed a Rule 37 conference on January 19, 2010 to discuss the issue. Hearing no response to that suggested date and time, I called counsel to discuss but he was unavailable. I sent an e-mail advising that I had been unable to reach him and asking when the Initial Disclosures would be forthcoming but I did not receive any response.

I declare the foregoing to be true and accurate to the best of my knowledge.

Dated this 4th day of February, 2010 at Seattle, Washington.

COZEN O'CONNOR

By: /s/ Rodney Q. Fonda
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DECLARATION OF RODNEY Q. FONDA IN SUPPORT OF
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CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2010, I electronically filed the foregoing documents with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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18 DATED this 4th day of February, 2010.

19 COZEN O'CONNOR

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DECLARATION OF RODNEY Q. FONDA IN SUPPORT OF
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